

## **REMARKS**

### **A. Status of Claims.**

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 58, 60, and 61-70 are pending. In this Amendment, Claims 57 and 59 are canceled, Claims 58, 60 and 61-65 are amended and Claims 66-70 are added. No new matter is added.

### **B. Support for New Claims.**

Support for new claims 66-70 may be found in the original specification, in the description of Figures 3, 5A, 5B, 5C, and in Figure 6.

### **C. Claims Indicated by Examiner as Being Allowable.**

The Examiner is thanked for indicating that Claims 60 and 63 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 60 and 63 have been rewritten in independent form, and, therefore, are in condition for allowance. Claims 58, 61, 62, 64 and 65, as currently amended, depend from allowable Claim 60, either directly or indirectly, and, therefore, include at least all of the patentable features of Claim 60 and, accordingly, are allowable for at least the reasons that Claim 60 is allowable. New claims 66 and 67 depend from allowable Claim 63, either directly or indirectly, and, therefore, include at least all of the patentable features of Claim 63 and, accordingly, are allowable for at least the reasons that Claim 63 is allowable.

### **D. Rejection of Claims 57-59 and 61-62 under 35 U.S.C. § 102(a) as being anticipated by Evans.**

Claims 57-59 and 61-62 are rejected under 35 U.S.C. § 102(a) as being anticipated by Evans *et al.*, "Edge-Emitting Quantum Well Heterostructure Laser Diodes with Auxillary Native-oxide Vertical Confinement" in *Applied Physics Letters*, Vol. 67, pp.

3168-3170 (Nov. 1995) (Evans). This rejection has been rendered moot by the above amendments to claims. Claims 58, 61 and 62 are now dependent on allowable Claim 60, either directly or indirectly, and, therefore, are patentable for the reasons discussed above. In addition, Claims 57 and 59 have been cancelled, rendering this rejection moot with respect to these claims as well.

**E. Rejection of Claim 57 under 35 U.S.C. § 102(e) as being anticipated by Choquette.**

Claim 57 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,493,577 to Choquette *et al.* (Choquette). This rejection has been rendered moot by the cancellation of Claim 57.

**F. Rejection of Claims 64-65 under 35 U.S.C. § 103(a) as being unpatentable over Choquette in view Lee.**

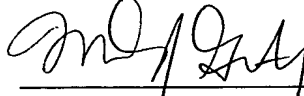
Claims 64-65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Choquette in view of U.S. Patent No. 5,115,442 to Lee *et al.* (Lee). This rejection has been rendered moot by the above amendments to claims. Claims 64-65 are now dependent on allowable Claim 60, either directly or indirectly, and, therefore, are patentable for the reasons discussed above.

**G. Conclusion.**

For the reasons discussed above, all of the currently pending claims are in condition for allowance. Therefore, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

Respectfully submitted,



---

Mark J. Gutttag  
Reg. No. 33,057

**JAGTIANI + GUTTAG**  
Democracy Square Business Center  
10363-A Democracy Lane  
Fairfax, Virginia 22030  
703-591-2664

March 21, 2006